***THE HON'BLE SRI JUSTICE V.V.S.RAO**

-

-

+WRIT PETITION No. 7480 of 2006

-

-

%Dated 18-04-2006

Dokku Raju Babu, S/o.Seetaramaiah, Hindu, aged 48 years,

Occ:Agricultural Coolie, R/o.Maredumaka Village, Kankipadu Mandal, Vijayawada, Krishna District.

… Petitioner.

VERSUS

$ State of Andhra Pradesh, rep.by its Secretary, Revenue (Assignments) Department, Hyderabad, and others.

… Respondents.

! Counsel for Petitioner: Mr.K.Someswar Kumar.

^Counsel for Respondents: Government Pleader for Revenue

(Assignments)

-

-

-

<GIST:

>HEAD NOTE:

? Cases referred

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7480 of 2006

Dated:18.04.2006

Between:

Dokku Raju Babu.

..... PETITIONER

AND

State of Andhra Pradesh, rep.by Secretary, Revenue (Assignments) Department, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7480 of 2006

ORDER:

The petitioner is a resident of Maredumaka Village, Kankipadu Mandal, Vijayawada, Krishna District. He occupied an extent of Ac.0.03 cents comprised in Survey No.41 of the said Village and allegedly raised a thatched hut. The petitioner also alleges that the officials of the Irrigation Department have also given no objection for raising the hut. Be that as it is, he made an application to the third respondent for grant of patta in respect of the land, which is allegedly in his possession. The same was pursued by him on number of occasions. According to the petitioner though the revenue officials got an enquiry conducted into his application and though the drainage wing expressed no objection, patta was not granted, but, ultimately, by endorsement No.Rc.A.694/2004, dated 31.03.2006, he was informed that as the land in occupation of the petitioner forms part of a drainage poramboke, the same cannot be assigned to him. He was advised to remove the encroachment. The petitioner, therefore, seeks redressal before this Court.

Learned Counsel for the petitioner submits that under Board Standing Order 15(4)(ii)(h), the assignment of land, which is a water-course poramboke, is alone prohibited, and therefore, the endorsement given by the third respondent is unsustainable. This is refuted by the learned Assistant Government Pleader for Revenue.

The relevant Board Standing Order reads as under.

15(4)(ii). The assignment of the following classes of lands

is prohibited:-

a. to (g) omitted.

h. Water-course porambokes, namely, margins of channels, streams, etc.

The term water-course having regard to the context in which it is used in Board Standing Orders requires broader interpretation. Water-course includes all the lands through which or on which water flows. In the Law Lexicon by Sri P.Ramanatha Aiyar (1997 Edition page No.1976), the following definitions of water-course are given.

> WATERCOURSE. A stream of water usually flowing in a defined channel, and discharging itself into some other stream or other body of water.
>
> A watercourse does not begin by prescription nor yet by assent, but begins *ex jure naturae,* having taken its course, naturally, and cannot be diverted. "Watercourse" means any channel which is supplied with water from a canal, but which is not maintained at the cost of Government, and all subsidiary works belonging to any such channel.
>
> **"Watercourse" includes a line of drainage, weir, culvert, pipe or other channel, whether natural or artificial, for the passage of water.**
>
> "Watercourse" means any channel which is supplied with water from a canal and which is maintained at the cost of the irrigators, and includes all subsidiary works connected with such channel except the sluice or outlet through which water is supplied to such channel.

In view of the above, this Court does not find any infirmity in the endorsement rejecting the assignment of the land. The petitioner is statedly a landless and poor person, and therefore, liberty is given to him to make an application for assignment of house site. The same may be considered keeping in view the current policy of the Government of Andhra Pradesh.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

18.04.2006

Note: LR copy to be marked.

B/o.

vs